

1 JANE EBERHARDY, ESQ.
Nevada State Bar No. 004254
2 JOHN W. KIRK, ESQ.
Nevada State Bar No. 004654
3 THE MARKS LAW GROUP, LLP
1120 Town Center Drive, Suite 200
4 Las Vegas, Nevada 89144
5 (702)341-7870 / Fax: (702)341-8049

6 Attorneys for Defendant Boulder Oaks Community Association
And First Columbia Community Management Inc.

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
9

10 PEGGY CARRILLO,
11 Plaintiff,

12 v.

13 B&J ANDREWS ENTERPRISES, LLC d/b/a
BOULDEROAKS RV RESORT, a Nevada
14 limited liability company; FIRST
COLUMBIA COMMUNITY
15 MANAGEMENT INC., a Nevada
Corporation; BOULDER OAKS
16 COMMUNITY ASSOCIATION, a Nevada
non-profit corporation; JJS DEVELOPMENT,
17 LLC d/b/a JAN PRO CLEANING SYSTEMS
OF LAS VEGAS, a Nevada limited liability
18 company; JAN PRO FRANCHISING
INTERNATIONAL, INC., a Georgia
19 corporation; DOES I-X and ROE
CORPORATIONS I-X inclusive,
20

21 Defendants.

CASE NO.: 2:11-cv-01450-RJC-CWH

STIPULATED PROTECTIVE ORDER

22 Subject to the approval of this Court, the parties stipulate to the following protective order:

- 23 1. In connection with discovery proceedings in this action, the parties may designate any
24 document, thing, material, testimony or other information derived therefrom, as
25 "Confidential" under the terms of this Stipulated Protective Order (hereinafter "Order").
26 2. For purposes of this litigation, "Confidential information is information which has not been
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28

1 made public and which concerns or relates to the Plaintiff's medical condition, medical
2 care, or future medical care for three (3) years prior to the May 13, 2010 accident and until
3 this matter proceeds to trial; and employment, income, future employment, future income,
4 disability, impairment or loss of work or earning capacity for the five (5) years prior to the
5 May 13, 2010 accident, which is the subject of the present Complaint, until this matter
6 proceeds to trial.

7
8 3. Pursuant to Federal Rules of Evidence the parties are allowed to use the subpoena powers
9 of the Federal Court enumerated in Rule 45 to obtain Plaintiff's Confidential information
10 as defined above to include medical records, employment records, tax records, or any
11 other records that are relevant to the lawsuit and could lead to discovery of admissible
12 evidence without her consent. Lopez v. Cardenas Markets, Inc., 2011 WL 47381111 (D.
13 Nev.) and Powell v. Texvans, Inc., 2010 WL 4791507 (D. Nev).

14
15 4. 45 C.F.R. § 164.512(e)(1)(i) provides a satisfactory means for obtaining relevant medical
16 records for purposes of litigation without the requirement for a signed authorization by the
17 party. A covered entity may disclose protected health information in the course of any
18 judicial or administrative proceeding in response to an order of the court in any judicial
19 proceeding provided the entity discloses only the protected health information expressly
20 authorized by such order. Powell v. Texvans, Inc., 2010 WL 4791507 (D. Nev.)

21
22 5. This Order authorizes Defendants to obtain the "Confidential information" identified above
23 to be used strictly for purposes of the judicial proceeding identified as Peggy Carrillo v.
24 First Columbia Community Management, Inc., et al (2:11-cv-01450 RJC-CWH) and in
25 conformity with 45 C.F.R. § 164.512.

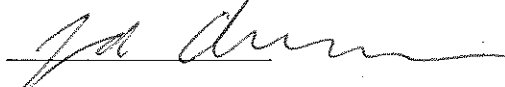
26 6. Once the judicial proceeding, *supra*, is completed the confidential information shall be
27 destroyed in conformity with 45 C.F.R. § 164.512(e)(1)(v).
28

- 1 7. Pursuant to this agreement medical providers, health insurance companies or other entities
2 in possession of Plaintiff's medical records and subject to the requirements of HIPPA are
3 required to provide Plaintiff's medical records from May 13, 2007 through the time of
4 trial of this action which contain any references to: (1) slip and fall or trip and fall
5 incidents, (2) Pain, soreness, tenderness or other complaints of ill being regarding
6 Plaintiff's knees, hips, or back whether from injury or disease, (3) dizziness, loss of
7 equilibrium, or incidents of falling whether related to disease, medications, or an obstacle,
8 (4) any neurologic condition related to symptoms described in item 3, and (5) any vision
9 problems.
10
- 11 8. This limitation on release of medical records set forth in item (7) does not apply to other
12 relevant records such as Plaintiff's employment records, tax returns, pay-roll records,
13 paychecks, paycheck stubs, W-2 forms, 1099 forms and other relevant records. The only
14 limitation on this type of confidential information is the above mentioned time limitation
15 of five (5) years prior to the May 13, 2010 fall until the time of trial.
16
- 17 9. This Order shall be without prejudice to the right of the parties (1) to bring before the
18 Court at any time the question of whether any particular document or information is
19 confidential or whether its uses should be restricted, or (2) to present a motion to the Court
20 under FRCP 26(c) for a separate protective order as to any particular document or
21 information, including restrictions differing from those as specified herein. This Order
22 shall not be deemed to prejudice the parties in any way in any future application for
23 modification of this Order
24
- 25 10. This order is entered solely for the purpose of facilitating the exchange of documents and
26 information between the parties to this action, and obtaining relevant records from non-
27 parties, without involving the Court unnecessarily in the process. Nothing in this Order nor
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1 the production of any information or document under the terms of this Order nor any proceedings
2 pursuant to this Order shall be deemed to have the effect of an admission or waiver by either party,
3 or of altering the confidentiality or non-confidentiality of any such document or information, or
4 altering any existing obligation of any party or the absence thereof.

5 SO STIPULATED:

6 Dated: 3/8/12

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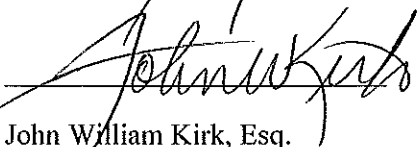
8 Jared Anderson, Esq.
9 STOVALL & ASSOCIATES
3216 W. Charleston Blvd. Suite B
Las Vegas, Nevada 89102
10 *Attorney for Plaintiff*

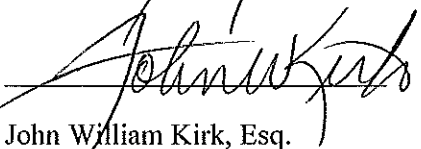
11 Dated: 3/9/12

12  #8039 for

13 Tracey Strickland, Esq.
14 LAW OFFICES OF TRACEY STRICKLAND
7201 W. Lake Mead Blvd. Suite 106
15 Las Vegas, Nevada 89128
Attorney for Defendant JJS Development LLC
16 *dba Jan Bro Cleaning Systems of Las Vegas*

17 Dated: 3/9/2012

18 

19 
20 John William Kirk, Esq.
21 THE MARKS LAW GROUP, LLP
1120 Town Center Drive, #200
Las Vegas, Nevada 89144
22 *Attorney for Defendants First Columbia Community*
23 *Management, Inc. and Boulder Oaks Community*
Association

24 APPROVED AND SO ORDERED

25 DATED: March 12, 2012


UNITED STATES MAGISTRATE JUDGE